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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,272	05/14/2001	Cynthia L. Schwartz	10010535-1	9159

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EXAMINER

NGUYEN, CHAU T

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/855,272

Applicant(s)

SCHWARTZ, CYNTHIA L.

Examiner

Chau Nguyen

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

THE REPLY FILED 20 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/26/2005

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Continuation of 11. does NOT place the application in condition for allowance because: In the remarks (Request for Reconsideration), applicant(s) argued in substance that

(a) The prior art fails to show or suggest determining if any of the actual content of the file is restricted from being stored on a multimedia device upon manipulation of a write actuator as claimed. In reply to argument (a), Dimenstein discloses user clicks on a mouse selector button (write actuator) on the file that the user wishes to download, and Software Program retrieves the IP address of the server that stores the file that has been selected by the user to be downloaded, Software Program then sends a query to central server to determine whether the IP address for the server is listed on the Approved Web Site Database, and if it is not listed among the web sites on the Approved Web Site Database, the Software Program provides the user with an option that may be displayed on user's screen to either download the selected file in an unencrypted format (non-restricted file) (col. 4, line 44 - col. 5, line 55). Since Dimenstein discloses downloading files via Internet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dimenstein and Mantha-Dubey to include determining if any of the content of the hypermedia file is restricted from being stored in the multimedia storage device upon manipulation of the write actuator to prevent downloading files that are available illegally.

(b) Dimenstein fails to show or suggest packaging at least a non-restricted portion of the file for storage, and writing the at least non-restricted portion of the file to the multimedia storage. In reply to argument (b), Examiner did not use Dimenstein reference to reject the limitation in argument (b). Instead, Examiner's used Mantha reference which discloses Hypertext Markup Language (HTML or web pages) including text, graphics, images, sound, video (multimedia), etc., and steps of the SAVE operations (packaging and writing) that are used to make a Web page copy on the user's local hard drive (or other storage) (Abstract, and col. 9, line 50 - col. 11, line 3).

Since there are no amendments to claims as cited in the Remarks (page 8), Examiner's maintained the Final Rejection over Mantha et al., Dubey et al., and further in view of Dimenstein.

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7/26/2005